

SN. 10/081,912

ATTORNEY DOCKET NO. VTEL:001

REMARKS

By entry of this amendment, claims 1, 11 and 18 have been amended, claim 10 has been cancelled and claims 7 and 8 have been rewritten as independent claims.

The Examiner has objected to the disclosure due to a typographical error. Applicants have amended the specification in order to correct the typographical error contained therein.

The examiner has objected to claim 7 due to informalities. Applicants have amended the claim in accordance with the Examiner's comments. The amendment of the claim is not intended to and should not be construed as limiting the original scope of the claim.

Claims 1 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. With respect to claim 1, applicants note the original claim language is correctly constructed to indicate the end user unit includes the internet appliance. Applicants have amended to claim to further clarify this point. The amendment to claims 1 and 8 is not intended to and should not be construed as limiting the original scope of the claim.

Claims 1-6 and 9, and 11-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gerszberg et al. Applicants respectfully traverse the rejection.

Gerszberg et al. discloses a system very similar to the prior art set forth in the instant application. The system uses a local area network to connect various devices to the ISD, which then utilizes conventional DSL modems to connect to the FMP. Gerszberg et al. mentions the use of TCP/IP protocol to configure the FMP as an IP proxy server.

In contrast, claim 1 calls for the use of a BSL switching device and a BSL data communication device. The Examiner states that Gerszberg et al. discloses such devices, but the portions of the reference cited by the examiner clearly do not disclose the use of either a BSL switching device or a BSL data communication device. Accordingly, the reference cannot anticipate claim 1 or claims depending thereon.

SN. 10/081,912

ATTORNEY DOCKET NO. VTEL:001

Further, the claimed invention employs a common data transmission protocol. The purpose of utilizing a common data transmission protocol is to avoid the necessity of a multilayer protocol, such as TCP/IP, so that the network is essentially flat. To further clarify this distinction, applicants have amended claims 11 and 18 to clarify that the common data transmission protocol consists of a single protocol layer. In contrast, TCP/IP is a two-layer program. The higher layer, Transmission Control Protocols the assembling of a message or file into smaller packets that are transmitted over the Internet and received by a TCP layer that reassembles the packets into the original message. The lower layer, Internet Protocol, handles the address part of each packet so that it gets to the right destination. Accordingly, the reference cannot anticipate claims 11 or 18 and claims dependent thereon.

Claims 7 and 8 stand rejected under 35 U.S.C. 103 as being unpatenable over Gerszberg et al. Applicants respectfully traverse the rejection.

The Examiner states it would be obvious to provide the system disclosed in Gerszberg et al. with the ability to operate at 10 Mbps and at least 8500 ft from the central office. Clearly, while such a thing would be desirable, there is nothing in the reference to suggest the system disclosed therein is capable of operating in such a manner. Further, there is nothing in the prior art to suggest how the system of Gerszberg et al. could be modified to meet the claim limitations. It is not enough for the Examiner to simply state that it would be obvious to provide Gerszberg et al. with such features, when there is nothing to suggest Gerszberg et al. could be operated in such a manner.

In view of the above, the single reference cannot render claims 7 and 8, which have been rewritten as independent claims, prima facie obvious as required under 35 U.S.C. 103. The rejection is improper and should therefore be withdrawn.

It should be noted that the rewriting of claims 7 and 8 should not be construed as nor is not intended to modify the scope of the claims, including equivalents entitled thereto, from the scope as originally filed.

SN. 10/081,912

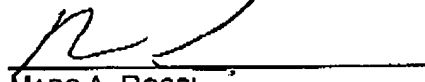
ATTORNEY DOCKET NO. VTEL:001

In view of the above, all of the claims in this case are believed to be
in condition for allowance, notice of which is respectfully urged.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

MAY 10, 2006
DATE


MARC A. ROSSI
REG. NO. 31,923

P.O. Box 826
ASHBURN, VA 20146-0826
703-726-6020 (PHONE)
703-726-6024 (FAX)